

BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Customer No.</i>	23643	}	
<i>Group:</i>	1651	}	
<i>Confirmation No.:</i>	3917	}	
<i>Application No.:</i>	10/535,357	}	Filed Electronically on
<i>Invention:</i>	Composition and Method for Inhibition of Microorganisms	}	January 16, 2009
<i>Inventor:</i>	Michael P. Doyle	}	
<i>Filed:</i>	May 18, 2005	}	
<i>Attorney Docket:</i>	31725-77991	}	
<i>Examiner:</i>	Deborah K. Ware	}	

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

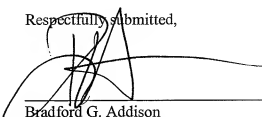
Sir:

On December 19, 2008, a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequences and/or Amino Acid Sequence Disclosures was issued for the captioned application. A copy of that Notice is attached. In response to the Notice, please accept the enclosed Sequence Listing in both computer-readable form (.txt) and as a paper copy (.pdf). The undersigned hereby certifies, in compliance

with 37 C.F.R. §1.821(c), that the content of the paper copy of the Sequence Listing and .txt file of the Sequence Listing submitted electronically are identical and the initial Sequence Listing contains no new matter.

Allowance of the claims and passage of the application to issuance is requested.

Respectfully submitted,



Bradford G. Addison
Registration No. 41,486
Attorney for Applicants

BGA:glt
Indianapolis, Indiana 46204
317-231-7253



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,357	05/18/2005	Michael P Doyle	31725-77991	3917
7590 Barnes & Thornburg 11 South Meridian Street Indianapolis, IN 46204			EXAMINER WARE, DEBORAH K	
DEC 22 2003			ART UNIT	PAPER NUMBER
			1651	
			MAIL DATE	DELIVERY MODE
			12/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DOCKETED
FOR Not to Comply Nucleotide
BY Ch?
DATE 12-29-08
CHE'D BY _____
DATE _____



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO./CONTROL NO. 10535357	FILING DATE 5/18/2005	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION DOYLE ET AL.	ATTORNEY DOCKET NO. 31725-77991
---	--------------------------	--	------------------------------------

EXAMINER
DEBBIE K. WAREART UNIT
1651PAPER
20081216

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/efc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:
Mail Stop Sequence
Commissioner for Patents
P.O. Box 22313 1450
Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:
U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Deborah K. Ware at telephone number (571)272-0924. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn, can be reached on (571)272-0926.

/Deborah K. Ware/
Deborah K. Ware
Examiner
Art Unit: 1651

Notice to Comply	Application No. 10535357	Applicant(s) DOYLE ET AL.	
	Examiner DEBBIE K. WARE	Art Unit 1651	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951
 For CRF Submission Help, call (571) 272-2510
 PatentIn Software Program Support
 Technical Assistance. 1-866-217-9197 or 703-305-3028 or 571-272-6845
 PatentIn Software is Available At www.USPTO.gov

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

/Deborah K. Ware/ Deborah K. Ware Examiner Art Unit: 1651	
--	--